

Notice of Allowability

Application No.

10/030,408

Examiner

Patrick F. Brinson

Applicant(s)

WEEKS, KEVIN WILLIAMS

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed November 12, 2004.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 12 November 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Patrick F. Brinson
Primary Examiner
Art Unit: 3754

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: After a review of the prior art of record, and interview of December 2, 2004, it is believed that the present invention is novel and non-obvious wherein no reference discloses a method of forming a tube from an elongate sheet of material comprising the steps of forming the sheet into a tube such that the lateral edges overlap to define an overlap region having an inner overlap portion and an outer overlap portion, punching the inner and outer overlap portions to define a tab in each, with each tab including a fold portion and a free end extending away from the fold portion with the tabs being aligned such that the tab defined in the inner overlap portion is directly beneath the tab defined in the outer overlap portion and folding tabs at the fold portions about an axis whereby the inner overlap portion and outer overlap portion are fixed together, wherein the tab reduces in dimension parallel to the fold axis between the fold portion and the free end such that the folded tabs cannot translate relative to each other in a direction orthogonal to the fold axis and parallel to the inner and outer overlap portions. The rejection used the teachings of **Plecker** to modify the **Hardt** reference to teach that is known to form the tabs of triangular shape, but it is realized that the tabs of **Plecker** also includes straight portions which would not prevent the tabs from translating relative to each other in a direction orthogonal to the fold axis and parallel to the inner and outer overlap portions, as is recited in claim 1. **Plecker**

also does not provide the teaching of folding the sheet into a tube prior to punching the tabs.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, reading "Patrick F. Brinson". The signature is written in a cursive style with a large, stylized "P" and "B".

Patrick F. Brinson

Primary Examiner

Art Unit 3754

P. F. Brinson

December 13, 2004